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FISCAL IMPACT REPORT

ORIGINAL DATE 2/09/07

SPONSOR King LAST UPDATED 2/15/07 HB 974/aHJC

SHORT TITLE Sex Offender Monitoring Pilot Project SB _____

ANALYST Peery-Galon

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NA	\$1,800.0	Non-Recurring	General Fund
NA	\$100.0	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 906

SOURCES OF INFORMATION

Responses Received From

Public Defender Department (PDD)
 New Mexico Sentencing Commission (NMSC)
 New Mexico Corrections Department (NMCD)

No Responses Received From

Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 974 changes the term “participant” to “participating offender” to reference sex offenders participating in the project. The amendment also clarifies that an interim legislative corrections justice committee is to be provided with interim and final reports from the New Mexico Sentencing Commission and Adult Probation and Parole Division of the New Mexico Corrections Department.

Synopsis of Original Bill

House Bill 974 appropriates \$1,800.0 from the general fund to Probation and Parole Division of the New Mexico Corrections Department for the purpose of conducting the sex offender

monitoring pilot project and \$100.0 from the general fund to the New Mexico Sentencing Commission for the purpose of data collection, analysis and evaluation of the sex offender monitoring pilot project.

House Bill 974 creates a two-year Sex Offender Monitoring Pilot Project to use a monitoring system to track serious and violent sex offenders during their terms of parole or probation and measure the efficacy of technology, such as global positioning system or other tracking technology, to improve supervision and behavioral control of those offenders. The purpose of the pilot project is to demonstrate that using technology to monitor sex offenders provides a crucial element in rehabilitation of the sex offender and the safety of the community. The Second Judicial District Court and district attorney are required to participate in the pilot project and assist the corrections department and New Mexico Sentencing Commission. The participants in the pilot project will be sex offenders from the Second Judicial District and sex offenders serving out probation or parole in the Albuquerque metropolitan statistical area. The New Mexico Sentencing Commission is to provide interim and final reports to the legislature and the governor on the effectiveness of the pilot project.

FISCAL IMPLICATIONS

The appropriation of \$1,800.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

The appropriation of \$100.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2009 shall revert to the general fund.

NMCD reports the department estimates the appropriation in the proposed legislation is probably sufficient, or close to sufficient, if the number of offenders in the pilot project is limited to 100 sex offenders. NMCD notes the appropriation will be used to purchase, rent and maintain monitoring equipment, and to pay probation and parole officers to monitor the sex offenders on a 24-hour a day basis.

NMSC states the commission feels it can conduct and complete this study with the funding in the proposed legislation. NMSC notes the House Judiciary Committee amendment to report to an interim legislative oversight corrections justice committee will save the commission the significant expense of mailing reports to 112 legislators.

SIGNIFICANT ISSUES

NMCD states both the LFC and executive budget recommendations include \$730 thousand for 500 additional passive units to be utilized for high risk and sex offenders. NMCD reports the passive units monitor offenders with global positioning system technology. The tracking probation and parole office is notified the following morning of any violations that occur during non-traditional work hours. NMCD notes the proposed legislation funds active global positioning units. Active units are tracking devices where the officer receives violations and data instantaneously, and the officer responds immediately to the offender's violations. The proposed legislation would require the tracking of sex offenders' movements 24 hours a day.

NMSC states the commission can accomplish its responsibilities, provided they are given access to data from both the courts and the corrections department.

PERFORMANCE IMPLICATIONS

The proposed legislation will assist the NMSC in achieving its performance measure “number of research projects completed.” The fiscal year 2006 actual for this performance measure was 14 and the fiscal year 2007 target is 11.

ADMINISTRATIVE IMPLICATIONS

NMCD reports the appropriation will be need to hire 14 full-time-equivalent probation and parole officers. NMCD notes due to this being a pilot project the additional probation and parole officers will more than likely have to be hired as temporary positions. NMCD reports the department has a more difficulty recruiting temporary positions than permanent positions in the Probation and Parole Division.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The proposed legislation is a duplication of Senate Bill 906.

AMENDMENTS

PDD notes the House Judiciary Committee amendment helps differentiate the participation of the courts and district attorneys from that of a participating sex offender. PDD stated the original bill required in subsection E that a monitoring device shall be required for every participant. PDD noted this term should be amended to something like “participating offender”, since the bill also directs in subsection C that the second judicial district court and district attorney “shall participate in the pilot project.” PDD also noted similar language in subsection G should also be amended.

RPG/mt:csd